IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 12039 of 2007(S)

OA.892/2003 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. THE ADMINISTRATOR,
U.T.OF LAKSHADWEEP, KAVARATTI.

2. THE PORT OFFICER,
U.T. OF LAKSHADWEEP, KAVARATTI.

3. UNION OF INDIA, REP.BY THE SECRETARY,
TRANSPORT DEPARTMENT, TRANSPORT BHAVAN,
NEW DELHI.

4. THE SECRETARY,
DEPARTMENT OF PERSONNEL & TRAINING,
(MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &
PENSIONS), NEW DELHI.

BY ADV. SRI.PR.RAMACHANDRA MENON,SC,LAKSHADWEEP

RESPONDENTS:
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1. M.MULLAKOYA, BOAT DRIVER,
DEPARTMENT OF PORT, KAVARATHI,
LAKSHADWEEP.

2. M.ATTAKOYA, BOAT DRIVER,
DEPARTMENT OF PORT, KAVARATTI, LAKSHADWEEP.

3. T.P.KHALID, BOAT DRIVER,
DEPT.OF PORT, KAVARATHI, LAKSHADWEEP.

4. A.P.ABOOBACKER, BOAT DRIVER,
DEPT. OF PORT, KAVARATHI, LAKSHADWEEP.

5. K.P.ABDUL KHADER, BOAT DRIVER,
DEPT. OF PORT, KAVARATHI, LAKSHADWEEP.

BY ADV. SRI.THAMPAN THOMAS FOR R1 TO R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.12039/2007

APPENDIX

PETITIONERS EXHIBITS

EXT.P1: TRUE COPY OF OA 892/03.

EXT.P2: TRUE COPY OF THE REPLY STATEMENT FILED BY THE ADMINISTRATIONIN OA 892/03.

EXT.P3: TRUE COPY OF THE IMPUGNED ORDER DTD. 26.9.06 PASSED BY THE CAT, ERNAKULAM IN OA 892/03.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.P(C). NO. 12039 OF 2007
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Dated this the 31st day of July, 2007

J U D G M E N T

Radhakrishnan, J.

Respondents herein have approached the Tribunal in OA 892/03 seeking to quash Annexure A2 series to the extend of not regularising the services of the respondents from the date of adhoc appointment as Boat Drivers and also for a declaration that the long and continuous service of the respondents in adhoc basis in the post of Boat Drivers as regular service. Facts are undisputed and we are not going into the facts in detail. Tribunal has interfered with Annexure A2 order mainly on the ground of delay in convening the DPC. In view of the above, Tribunal has taken the stand that the promotion of the respondents shall not be from the date of convening of the DPC on 27/10/99. Delay in convening DPC, cannot be attributed to the respondents and that it shall not cause any prejudice to them. Further, we notice that ACRs were not placed before the DPC. Hence the convening of the DPC was an empty formality. In such circumstances,

Tribunal interfered with Annexure A2 order. We find no illegality in that order. In such circumstances. Tribunal is justified in holding that the respondents are entitled to regularisation of promotion from the date of their adhoc promotion in the post of Boat Drives. In the circumstances, it is only to be dismissed confirming the order of the Tribunal. However, we are inclined to vacate that portion of the order awarding cost. Petitioners are given three months time to comply with the order.

Writ petition is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp